

**CABINET/COMMISSIONERS'
DECISION MAKING MEETING
16th October, 2017**

Present:- Councillor Read (in the Chair); Councillors Alam, Beck, Hoddinott, Commissioner Kenny, Lelliott, Steele, Watson and Yasseen.

Apologies for absence were received from Councillors Commissioner Bradwell and Commissioner Ney.

The webcast of Cabinet and Commissioners' Decision Making Meetings can be viewed at:-

<https://rotherham.public-i.tv/core/portal/webcasts/enctag/Executive%252BArea>

48. DECLARATIONS OF INTEREST

Councillor Steele declared a personal interest in Minute No. 53 (Advice Service Review) on the grounds of being a non-voting member on the Citizens Advice Bureau Board.

Councillors Hoddinott and Read declared disclosable pecuniary interests in Minute No. 60 (Swinton Town Centre Redevelopment) on the grounds of a family member living very close to this area and left the room whilst this report was discussed.

49. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public made reference to a question he had asked previously regarding the Council's Standing Orders and the fifty word limit to questions from members of the public. He was assured by the Deputy Leader at the time that a review was to take place and this would be considered. Nothing further happened. He raised this matter again in March, 2017 and was advised by the Leader that Standing Orders was at that time subject to review. Unfortunately, no revision had been made to the word limit for questions and this was still constrained at fifty words.

In addition, at an earlier Cabinet meeting the member of the public had taken issue with only being allowed one question and a supplementary and was advised by the Monitoring Officer about the procedure in place. Having trawled through the Standing Orders, its appendices and schedules the procedure referred to was included, but asked was it feasible to expect a member of the public to have to extensively search for such a document.

The member of the public asked if the Council was to do what it promised and revise Standing Orders.

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Councillor Read, the Leader, addressed the two questions asked and confirmed the fifty word limit related to questions to Council which must be received in writing in advance. Standing Orders had been reviewed and no changes were proposed to the word limit, although some amendments had been made to the petition scheme.

In terms of questions to the Cabinet this was a little more relaxed approach as there was no word limit, questions could be asked from the floor and engagement was welcomed where appropriate.

The Leader did accept and had some sympathy with the location of the procedure for asking questions at Cabinet meetings and would discuss this further with the Democratic Services Manager to ensure the procedure for Cabinet and the submitting of questions to Council was more accessible and readily available on the Council's website.

In a supplementary question the member of the public asked why it was mentioned in March, when it was now October, that a review of Standing Orders would take place and nothing further had been done.

The Leader described the extensive process of looking at Standing Orders, which had been taken forward and updated to make them easier to understand.

In a further supplementary question the member of the public pointed out he had submitted a written question for the next Council meeting which was three words over the word limit. He had been asked to redraft, but for the sake of three words this should be allowed. However, it was not always possible to set out complex questions into fifty words and suggested the word limit be relooked at as this had been in operation for a number of years.

The Leader explained Standing Orders had been reviewed, but was unable to offer a commitment to look at the fifty word limit again.

(2) The member of the public referred to the publication of the investigations reports where he had asked a question of Commissioner Ney around why Rotherham, which was no worse than other areas such as Newcastle, Bradford, Oxford or Rochdale, had called for independent enquiries and the others had not. He asked why was Rotherham still paying for Commissioners to oversee the work of the Council and believed it was time they left. He asked that feedback be provided to the Secretary of State in this regard by Commissioners and civil servants.

50. **MINUTES OF THE PREVIOUS MEETING HELD ON 11 SEPTEMBER 2017**

Resolved:- That the minutes of the Cabinet and Commissioners' Decision Making Meetings held on 11th September, 2017, be agreed as a true and correct record of the proceedings.

51. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under section 100(A) of the Local Government Act 1972, the Public be excluded from the meeting should the appendices be discussed for Minute Nos. 60 and 61 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to information) (Variation) Order 2006.

52. CHILD AND ADOLESCENT MENTAL HEALTH SERVICES (CAMHS) SECTION 75 AGREEMENT

Consideration was given to the report which provided details of the existing Partnership Agreement for the commissioning of Child and Adolescent Mental Health Services (CAMHS) between Rotherham Metropolitan Borough Council and Rotherham Clinical Commissioning Group, the Partners to this Agreement. The transition of this into a Section 75 Agreement restated the shared commitment of the two organisations to the further development of their commissioning partnership and joint market approach in relation to service improvement and transformation of CAMHS in Rotherham.

The Section 75 Agreement would build upon the existing partnership by adding a robust framework for managing the service including performance management and formalising a pooled funding arrangement for the provision of CAMHS services over the medium term.

The Clinical Commissioning Group would act as host and the lead commissioner for the pooled fund in partnership with the Council who would maintain existing financial contributions to CAMHS and continue as provider of the Rotherham Therapeutic Team.

Commissioner Kenny agreed:- (1) That a Section 75 Agreement be established outlining commissioning arrangements and a pooled fund for the provision of Child and Adolescent Mental Health Services.

(2) That authority be delegated to the Strategic Director for Children's Services to sign the Section 75 Agreement on behalf of the Rotherham Metropolitan Borough Council.

(3) That the Council's financial contribution into the pooled fund at the 2017/18 CAMHS budgeted cash limit be approved.

53. ADVICE SERVICES REVIEW

Consideration was given to the report which detailed the outcome of the review of advice services in Rotherham and made recommendations about future strategic direction for the services together with commissioning arrangements.

The review was set in the context of significant need for advice services by the residents of Rotherham, including those already impacted by welfare reforms, especially people with disabilities and families with children; and the anticipated additional demands arising from the full roll-out of Universal Credit from April, 2018.

The primary focus of the review were services provided in-house of Advocacy and Appeals and Financial Inclusion, together with external services provided by Citizen's Advice Bureau; Kiveton Park Independent Advice Centre; and Rotherham Diversity Forum immigration and nationality advisor.

The overall objectives of the review were to secure responsive and effective service provision meeting growing complex needs for these services, with maximum efficiency within the challenging budgetary climate.

The way forward sought to establish a streamlined and collaborative approach across advice services and providers over the medium term. This looked for a two stage approach. The initial stage invited a consortium approach to commissioning from voluntary sector providers through a co-production model. Funding would be awarded aligned to a three year service level agreement(s) commencing in April, 2018, with annual reviews to further the evolution of the full collaborative approach and ensure that priority needs continued to be met. The proposed processes for production of the model and commissioning were compliant with the "Rotherham Compact". The second stage, timed for 2019 would move to an integrated model of advice provision both in-house and with the voluntary sector.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to consideration being given to the impact of the proposals on waiting times and level of demand in the Annual Review and for the Annual Review to be submitted to the Board for consideration.

Resolved:- (1) That the outcomes of the review be noted.

(2) That the progress arrangements for advice services in Rotherham be approved, including:-

- Co-design with voluntary sector organisations for services to be delivered by voluntary sector advice providers for three years commencing from April 2018;
- That the scope of services to be delivered by the voluntary sector focus on provision in levels two and three of the advice model through core service level agreements to a total value of £240k per annum, with the provision for additional project based arrangements

covering specific advice service demands and developments over the medium term;

- Collaboration to produce an integrated model of advice provision across advice services including in-house provision effective from April 2019;
- Commissioning and funding model options that will best provide flexibilities for service development over the medium term through a consortium approach in the voluntary sector; and
- Identify as part of the Council's Customer Services and Efficiency Programme, improvements to level one signposting and self-serve provision.

(3) That, subject to the achievement of the objectives of this approach, service level agreement(s) be entered into with voluntary sector providers, including the expectation of leverage of external funds; adoption of priorities; and performance arrangements.

(4) That the detailed arrangements be subject to annual review and participation in the further alignment and other developments of advice services in Rotherham in 2019 and that consideration also be given to the impact of the proposals on waiting times and level of demand.

(5) That the Annual Review be submitted to the Overview and Scrutiny Management Board for consideration.

(Councillor Steele declared a personal interest in Minute No. 53 (Advice Service Review) on the grounds of being a non-voting member on the Citizens Advice Bureau Board)

54. SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND), SUFFICIENCY AND INCREASE IN EDUCATIONAL PROVISION - CONSULTATION

Consideration was given to the report which outlined proposals to increase Special Education Needs and Disability (SEND) provision across the Authority up to 2021 and sought approval to commence a period of consultation.

The increase in SEND provision within the Authority was necessary as a result of the increased pupil population since 2010 as outlined in section 2.1 of this report and projected future growth, linked to a rising demographic profile and new housing developments in the local plan.

The creation of additional in-Borough provision would lead to a longer term saving on high needs funding as in-Borough placements cost on average £17.5k per annum as opposed to an out of authority placement which costs £35K on average, but could rise significantly up to £60k and beyond per annum dependant on the type of provision required.

Resolved:- (1) That a period of focused consultation on proposals to increase Special Education Needs and Disability (SEND) provision across the Borough be approved.

(2) That a further report be submitted in due course detailing the outcome of consultation and seeking approval of proposals.

55. BUSINESS RATES DISCRETIONARY RATE RELIEF FOR SMALL BUSINESSES AND PUBS

Consideration was given to a report which detailed how in the Spring Budget of 8th March, 2017, the Chancellor announced the introduction of a series of new Business Rates reliefs including Supporting Small Businesses and Support for Pubs and detailed:-

- Supporting Small Businesses - provided support for up to five years for those ratepayers facing large increases as a result of the loss of small business or rural rate relief following the 2017 revaluation. The support limits increased in their Non-Domestic Rates bills to the greater of £600 or the real terms transitional relief cap for small businesses each year.
- Support for Pubs - provided Business Rates Relief of up to £1,000 support to public houses with a Rateable Value of up to £100,000. The relief would be for one year from 1st April, 2017.

The new reliefs were to be granted by Authorities using their Discretionary Relief powers under Section 47 of the 1988 Local Government Finance Act. Further guidance was subsequently issued by the DCLG on 20th June, 2017 to cover the implementation of these reliefs and updated billing software was released by the Council's providers – Northgate on 21st August, 2017.

Both reliefs would be subject to the De-Minimis State Aid regulations, which limited assistance (to a maximum of 200,000 Euros in three fiscal years which was around £183,000) and it would, therefore, be necessary to obtain a State Aid declaration from ratepayers (as had been the case with other reliefs such as retail relief).

Billing authorities would be fully compensated through a Section 31 grant for the cost of the authority granting these reliefs.

Resolved:- (1) That the implementation of the Supporting Small Businesses and Support for Pubs Discretionary Business Rates schemes be approved.

(2) That the two schemes be implemented in accordance with guidance issued by the Department for Communities and Local Government.

56. BUSINESS RATES DISCRETIONARY RELIEF APPLICATION

Consideration was given to a report which provided details of an application for the award of a discretionary business rate relief for Chesterwood Trading Ltd. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved 12th December 2016).

Resolved:- That 100% discretionary rate relief be awarded to Chesterwood Trading Ltd for the period 1st April, 2017 to 31st March, 2018.

57. ROTHERHAM SIDE BY SIDE - HOUSING RELATED SUPPORT REVIEW

Consideration was given to a report which outlined review recommendations for the future commissioning of externally provided Housing Related Support Services in Rotherham. Housing Related Support services delivered positive outcomes with the vulnerable people they supported, preventing and dealing with emergency homelessness and averting the need for other costlier forms of service provision. Though Housing Related Support services sat within the Adult Care and Housing Directorate portfolio, the preventative element provided whole system benefits.

Homelessness and the risk of homelessness was the focus for all Housing Related Support services. Through the Rotherham Side by Side programme the Council had worked closely with existing providers, service users and wider stakeholders to co-produce the future model of externally commissioned Housing Related Support.

The review was undertaken to remodel the provision, to meet changing demand, and offer better value for money in addition to delivering the savings required for 2018/19.

Further information was provided on the high quality preventative services to vulnerable people of all ages (16+) across the many client groups, cost/benefit and social return on investment and the service user profile.

The report set out in detail the recent changes, including three services for young being redesigned, HRS tender outcomes, the case for change and the breakdown of savings.

Cabinet Members welcomed the priority given to the Domestic Abuse Pathway and the protection afforded to the current funding. Whilst some areas had closed their refuges Rotherham still remained part of the National Refuge Network.

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The Council had 23 HRS services with external providers, including accommodation based and floating support for service users, including ethnic and minority groups. The contracts were outcome focused based on a number of service level outcomes which would be closely monitored and any issues reported to Elected Members and through the scrutiny process.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations as long as a post-implementation review was submitted to the Board subject to further discussion with officers about timescales.

Resolved:- (1) That the remodeling of the existing externally commissioned housing related support offer in Rotherham to deliver four Pathways of support to vulnerable people who are at risk of homelessness or are homeless as outlined in sections 4.0 to 4.2 of the report be approved. The four pathways were:-

- Vulnerable Adults
- Complex Need
- Domestic Abuse
- Young People and Young Parents

(2) That the redefinition of the existing offender, single homeless, homeless families, and mental health client groups as **Vulnerable Adults** to better meet multiple needs and redefine the age range across Vulnerable Adults' contracts to **21+** to prevent duplication of service be approved.

(3) That further efficiencies within the **Vulnerable Adults** pathway through the merger of 3 floating support services, currently providing 205 units in total, into one service providing 220 units, be approved.

(4) That the creation of a pathway for people with **Complex Needs** based on a Housing First model to support 20 – 30 people with complex needs be approved. To achieve this, it was proposed that the Council renegotiate existing contracts of dispersed accommodation. As outlined in sections 4.18 to 4.22 of the report.

(5) That the **Domestic Abuse Pathway** be approved as a priority and that current funding be protected, at this stage, as outlined in sections 4.23 to 4.34 of the report and to extend the Rotherham Rise refuge contract for 18 months under an exemption from Contract Procedure Rules.

(6) That the joint commissioning of the **Young People Pathway** with the designated lead for Children and Young People and designated Adult Care and Housing commissioning lead be approved, as outlined in section 4.35 to 4.40 of the report and the YWCA Yorkshire Fleming

Gardens contract be extended for 18 months under an exemption from Contract Procedure Rules.

(7) That subject to the remaining efficiencies from the **Vulnerable Adults Pathway** being forthcoming an exemption from Contract Procedure Rules be granted for up to 18 months for the contracts currently provided by South Yorkshire Housing Association at Browning Court and Action Housing & Support Ltd at Elliott House. Further information relating to this approach was outlined in section 4.7 and Table 7 of the report.

(8) That the proposal to transfer the governance and ownership of the Learning Disabilities contract with KeyRing to the remit of the Head of Service for Learning Disabilities, following conclusion of recommended savings activity as outlined in Section 5.1 of the report, be approved.

(9) That the existing Outcomes Framework for Housing Related Support be adapted as outlined in Section 6 of the report to better reflect the nature of the Pathways.

(10) That a post-implementation review be submitted to the Overview and Scrutiny Management Board, subject to further discussions with officers about timescales.

58. OUT OF AREA CROSS CHARGING POLICY FOR SEXUAL HEALTH SERVICES - UPDATE 2017

Consideration was given to the report which described proposed changes to the sexual health out of area cross charging policy detailing how the Authority would manage non contracted sexual health out of area Genito-Urinary Medicine activity (Rotherham residents attending sexual health services commissioned by other Local Authorities in England).

The amendment to the policy provided clarity on the conditions and payment terms for cross charging (see section 3 of Appendix A). This was based on the agreed Yorkshire and Humber approach endorsed by the Regional Directors of Public Health Network.

Under the new terms of the policy the Authority would only reimburse:-

- Invoices for Genito-Urinary Medicine (GUM) activity within the tariff cost envelope (agreed and set by the Yorkshire and Humber Regional Network of the Association of Directors of Public Health), taking into account efficiency savings reflecting the national Public Health grant reduction.

Under the terms of the policy the Authority would not:-

- Reimburse invoices for contraception activity.
- Pay charges for Market Forces Factor (MFF).

Before making payment invoice supporting data would be reviewed and the data would clearly provide all the required information to ensure Rotherham Metropolitan Borough Council (RMBC) were the responsible Authority (these were clearly outlined in the policy).

Resolved:- That the changes to the out of area cross charging policy (appendix A), which was based on the agreed regional approach endorsed by the Yorkshire and Humber Directors of Public Health Network, be approved.

59. TRANSPORT FOR THE NORTH

Consideration was given to a report which detailed how the Council, as Local Highway Authority, was to consider consenting to the making of Regulations by the Secretary of State to establish Transport for the North (TfN) as a Sub-National Transport Body under Section 102J of the Local Transport Act 2008.

The consent of each Highway Authority within the area of each Combined Authority, which was a Constituent Authority of TfN, was required to the making of Regulations by the Secretary of State because the Regulations contained provisions giving TfN highway powers to be exercised concurrently with the Local Highway Authorities.

The stated purpose of TfN was to transform the transport system of the North of England by planning and delivering the improvements needed to truly connect the region with fast, frequent and reliable transport links, driving economic growth and creating a Northern Powerhouse.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations.

Resolved:- That Rotherham Metropolitan Borough Council formally consent under Section 102J of the Local Transport Act 2008 to the making by the Secretary of State of Regulations to establish Transport for the North (TfN) as a Sub-National Transport Body and giving TfN concurrent highway powers.

(This decision was exempt from the call-in process in order to meet the deadline from Government on 20th October, 2017. The Chair of the Overview and Scrutiny Management Board and the Leader of the Opposition Group have consented to this request)

60. SWINTON TOWN CENTRE REDEVELOPMENT - DEVELOPMENT BRIEF AND ACQUISITION OF INTEGRAL SITE

Consideration was given to a report which sought approval for the Development Brief for Swinton Town Centre and its proposed submission to developers and further approve the acquisition of the integral site

identified in Exempt Appendices D and E, subject to agreement of satisfactory terms, as part of the Council's Town Centres regeneration ambitions.

The regeneration of Swinton Town Centre had been under consideration for some time. The proposal had been underpinned by a number of demolitions and this had resulted in a largely clear site which was ready to be redeveloped.

Certain public buildings were proposed to be retained as part of the development, namely the community centre, the parade of shops together with the residential accommodation above and also a library function, in some form, as part of the proposals. However, the main intended outcome of the development would be the delivery of new homes in a range of sizes and tenures.

Councillor Sansome, on behalf of the Swinton Ward Councillors, welcomed the proposals and looked forward to the progress in due course.

Resolved:- (1) That the content of the Development Brief for Swinton Town Centre and the proposed submission to developers with a view to obtaining design submissions be approved.

(2) That Council be recommended to approve the acquisition of the integral site forming part of the redevelopment site on the basis outlined in Exempt Appendix E, subject to the agreement of satisfactory terms, and that this acquisition be added to the Council's Capital Programme 2017/18.

(3) That the Assistant Director for Planning, Regeneration and Transport be authorised to negotiate and agree the terms of the acquisition outlined in Appendix E.

(4) That the Assistant Director of Legal Services be authorised to complete the necessary documentation relating to the acquisition of the integral site.

(Councillors Hoddinott and Read declared disclosable pecuniary interests in Minute No. 60 (Swinton Town Centre Redevelopment) on the grounds of a family member living very close to this area and left the room whilst this report was discussed)

61. RESIDENTIAL DEVELOPMENT OF MILLFOLD HOUSE, SHEFFIELD ROAD CAR PARK AND THE FORMER HENLEY'S GARAGE SITE

Consideration was given to the report which set out proposals to kick start residential development as early as possible on land at Millfold House, Sheffield Road car park and the former Henley's garage on Wellgate. These sites had previously been identified as possible "go early" sites,

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under the Starter Homes programme. However, there have been key developments at both the national and local level since the submission of the Starter Homes bid, which have influenced the decision to consider alternative outcomes for the sites.

The Council launched a soft market testing exercise in July in order to seek the opinion of prospective developer partners regarding opportunities and challenges presented by Sheffield Road car park and Millfold House. The soft market testing resulted in a number of positive responses and the report proposed that the Council procured a construction partner to deliver approximately 130 homes on these sites.

The report further proposed that the former Henley's garage site on Wellgate be developed into a scheme of low cost home ownership homes, and that procurement of a construction partner be carried out simultaneously with the other sites.

Cabinet Members sought reassurance that the existing tenants in Millfold House would be supported as part of the decamp proposals and assistance provided into alternative premises.

Resolved:- (1) That the Council, acting as the strategic housing enabler to develop Sheffield Road car park, Millfold House and the former Henley's garage on Wellgate into residential accommodation, be approved.

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to purchase additional land, as set out in exempt Appendices 3 and 4, to improve the scale of development potential.

(3) That expenditure on these acquisitions be capped at the limit set out in appendix 2, and be funded from resources allocated to the town centre regeneration programme.

(4) That officers be authorised to explore further possible acquisitions, to maximise the regenerative impact of these residential development schemes.

(5) That a further report be submitted setting out a detailed financial business case and development proposals.